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8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 **MIKE NELSON COMPANY, INC.,**)

11 **Plaintiff,**)

12 **v.**)

13 **WESTON HATHAWAY,**)

14 **Defendant.**)

15 _____)
16 **AND RELATED COUNTERCLAIMS**)
17 _____)

CV F 05-0208 AWI DLB

**ORDER VACATING JUNE 27,
2005 HEARING DATE AND
TAKING MATTER UNDER
SUBMISSION**

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19 Defendant Weston Hathaway's motion to dismiss portions of Plaintiff's first amended
20 complaint has been set for hearing in this case on June 27, 2005. The court has reviewed the
21 papers and has determined that this matter is suitable for decision without oral argument. Local
22 Rule 78-230(h). Therefore, IT IS HEREBY ORDERED that the previously set hearing date of
23 June 27, 2005, is VACATED, and the parties shall not appear at that time. As of June 27, 2005,
24 the court will take the matter under submission, and will thereafter issue its decision.

25 IT IS SO ORDERED.

26 **Dated: June 21, 2005**
27 Om8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE